

**MUNGER CHADWICK, P.L.C.**

**National Bank Plaza**

**333 North Wilmot, Suite 300**

Tucson, Arizona 85711

**Telephone: (520) 721-1900**

**Facsimile: (520) 747-1550**

**Mark E. Chadwick**

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ASB # 014991

**Attorney for: Plaintiff**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

**KOLEEN GALLAGHER**

**Plaintiff/  
Judgment Creditor,**

**VS.**

**RICHARD JAMES. GALLAGHER.**

**Defendant/  
Judgment Debtor**

and

**BMO HARRIS BANK**  
4380 n. Campbell, Suite 100  
Tucson, AZ 8571

**Executee/Garnishee.**

State of Arizona )  
 ) ss.  
County of Pima )

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9 DEC 27 2017 9

CLERK U S DISTRICT COURT  
DISTRICT OF ARIZONA

BY \_\_\_\_\_ DEPUTY \_\_\_\_\_

**NO. 4:17-MC-00005**

**EXECUTEE/GARNISHEE ANSWER  
AND AFFIDAVIT**

**(Rule 69, Fed. R. Civ. Pro;  
A.R.S. §§12-1572 - 1597)**

1. I am the above named Executree/Garnishee or am authorized by the Executree/Garnishee to make this affidavit on their behalf, regarding the Writ of

1 Execution served on Executtee/Garnishee on 12-18-17

2           2. The Executtee/Garnishee was was not ~~X~~ indebted to or otherwise in  
3 possession of monies of the Judgment Debtors at the time the Writ was served,  
4 including without limitation, any accounts in which Richard J. Gallagher is  
5 designated as payable upon death beneficiary, including, without limitation BMO  
6 Harris Bank, Certificate of Deposit account number 52609601.  
7

8           3. The total amount of indebtedness or monies in the possession of the  
9 Executtee/Garnishee at the time the Writ was served, including, without limitation,  
10 the amount of money which was owned by the deceased Josephine Marie Gallagher  
11 is \$ \_\_\_\_\_.  
12

13           4. The total amount of indebtedness or monies of the Judgment Debtor  
14 withheld by the Executtee/Garnishee pursuant to the Writ is \$ \_\_\_\_\_.  
15

16           5. The amount of indebtedness or monies of the Judgment Debtor not  
17 withheld by the Executtee/Garnishee if \$ \_\_\_\_\_. Reason for not withholding is:  
18

19           6. At the time the Writ of Garnishment was served upon Executtee/  
20 Garnishee, Executtee/Garnishee did    did not    have possession of personal property  
21 of the Judgment Debtor. If yes, describe each item, or group of items, of personal  
22 property:  
23

24           7. Please list all items of personal property withheld by the  
25  
26

1     Executec/Garnishee pursuant to the Writ:

2  
3  
4         8.     Based upon Executec/Garnishee's knowledge, another person or entity  
5     is is not ~~X~~ indebted to the Judgment Debtor, or in possession of personal  
6     property of the Judgment Debtor. If yes, give names and addresses:  
7

8  
9         9.     If Executec/Garnishee is a corporation, Judgment Debtor now, or at  
10     the time the Writ was served, has    does not have    any stocks, bonds, options  
11     or other interest in the Corporation. If yes, state the NUMBER AND TYPE of  
12     shares owned by the Judgment Debtor, and a DESCRIPTION of any other interest  
13     the Judgment Debtor owns in the Executec/Garnishee Corporation as of the date the  
14     Writ was served, as shown on the Corporation's records:  
15  
16

17         10.    If Executec/Garnishee answered "YES" to either question #2 or #6,  
18     copies of the Writ and Summons, underlying Judgment, Notice to Judgment  
19     Debtor, and Request for Hearing were delivered to Judgment Debtor on  
20     \_\_\_\_\_ by    hand delivery,    regular first class mail  
21     to the address determined to be the best calculated to reach the Judgment Debtor in  
22     a timely manner, or    service pursuant to the Rules of Civil Procedure applicable  
23     to a Summons.  
24  
25  
26

1 11. Copies of this Answer were delivered on 12-19-17 to the  
2 Judgment Debtor, the Judgment Creditor, or Judgment Creditor's attorney, if  
3 applicable, by hand delivery, X regular first class mail to the address  
4 determined to be the best calculated to reach the Judgment Debtor in a timely  
5 manner, or service pursuant to the Rules of Civil Procedure applicable to a  
6 Summons, at the following address:  
7  
8

9 12. Executee/Garnishee's name, mailing address and telephone number is:

BMO Harris Bank  
1200 E. Warrenville Rd  
Naperville, IL 60563  
Phone 331 281-5738  
Fax 331 281-6240

10  
11  
12 13. I have read the foregoing document and know its contents and know  
13 that the facts stated therein are true and correct.


14 WHEREFORE, Executee/Garnishee prays that Executee/Garnishee be  
15 discharged on this Answer and that the Court award Executee/Garnishee reasonable  
16 compensation in the amount of \$                     .

17  
18 BMO Harris Bank  
19 1200 E. Warrenville Rd  
20 Naperville, IL 60563  
21 Phone 331 281-5738  
22 Fax 331 281-6240

  
Signature of Executee/Garnishee or  
Authorized Agent

23 SUBSCRIBED AND SWORN on 12/19/17



  
Notary Public

1 Attorney's Name, Address, Phone  
2 Mark E. Chadwick  
3 Munger Chadwick, P.L.C.  
4 333 N. Wilmot, Suite 300  
5 Tucson AZ 85711  
6 (520) 721-1900  
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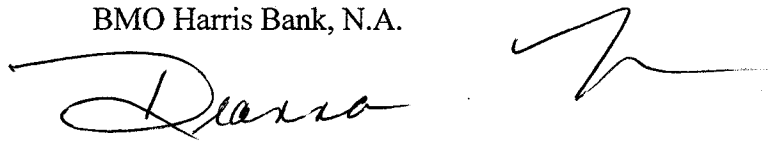


**PROOF OF SERVICE BY MAIL**

**Under penalties as provided by law pursuant to 735 ILCS 5/1-109 I certify that the statements set forth herein are true and correct.**

The undersigned non-attorney certifies that this Proof of Service and enclosed documents were mailed to the appropriate parties identified on the enclosed on the *19* day of December 2017.

BMO Harris Bank, N.A.



Deanna Kenney  
Garnishment Group  
BMO Harris Bank N.A.  
1200 E. Warrenville Rd. | Naperville, IL 60563  
(p) 331.281.5738 | (f) 331.281.6240

